

# **THE URBAN AND REGIONAL PLANNING ACT, 2015**

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GOVERNMENT OF ZAMBIA

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# ACT

No. 3 of 2015

Date of Assent: 14th August, 2015

**An Act to provide for development, planning and administration principles, standards and requirements for urban and regional planning processes and systems; provide for a framework for administering and managing urban and regional planning for the Republic; provide for a planning framework, guidelines, systems and processes for urban and regional planning for the Republic; establish a democratic, accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development; ensure functional efficiency and socio-economic integration by providing for integration of activities, uses and facilities; establish procedures for integrated urban and regional planning in a devolved system of governance so as to ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning; ensure sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning; ensure uniformity of law and policy with respect to urban and regional planning; repeal the Town and Country Planning Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975; and provide for matters connected with, or incidental to, the foregoing.**

[ 14th August, 2015

Enactment

ENACTED by the Parliament of Zambia

**PART I**  
**PRELIMINARY**

Short title

**1.** This Act may be cited as the Urban and Regional Planning Act, 2015.

Interpretation

**2.** In this Act, unless the context otherwise requires—

“agriculture” means the use of land or buildings for, or in connection with, animal husbandry, fish farming, breeding and keeping of livestock, hatcheries, ranching, grazing, poultry, pasture, arable farming, irrigation, tillage, floriculture, flower growing, horticulture, gardening, vegetable growing, fruit or seed growing, mushroom growing, vine growing, sitriculture, afforestation, forestry or plantation, but does not include tourism, green grocership, meat processing and the use of land as a garden with a building attached to the land, and “agricultural” shall be construed accordingly;

“area” means the area falling under the jurisdiction of a local authority;

“amenities” means the quality or condition of a place or area that contributes to its pleasantness, harmony and better living environment, including open spaces, parks, recreation grounds, playgrounds and anything that adds to the attractiveness of a living environment;

“appropriate regulatory agency” means the Minister with responsibility for, or such public body with powers under any other law over, planning, natural resources, environment, construction, buildings, communications, transport, energy or anything that impacts on urban and regional planning and includes a public or statutory office, body or institution under the following:

Act No. 28 of 1997  
Cap. 436

(a) the Water Supply and Sanitation Act, 1997;

(b) the Energy Regulation Act;

(c) the Mines and Minerals Development Act, 2015;

(d) the Public Roads Act, 2002;

(e) the Information and Communication Technologies Act, 2009;

Act No. 11 of 2015  
Act No. 12 of 2002  
Act No. 15 of 2009

(f) the Road Traffic Act, 2002;

Act No. 11 of 2002

(g) the Environmental Management Act, 2011;	Act No. 12 of 2011
(h) the National Council for Construction Act, 2003;	Act No. 13 of 2003
(i) the Aviation Act;	Cap. 444
(j) the Public Health Act;	Cap. 295
(k) the Persons with Disabilities Act, 2012;	Act No. 6 of 2012
(l) the Disaster Management Act, 2010;	Act No. 13 of 2010
(m) the Standards Act;	Cap. 416
(n) the Local Government Act;	Cap. 281
(o) the Water Resources Management Act, 2011;	Act No. 21 of 2011
(p) the Lands Act;	Cap. 184
(q) the National Heritage Conservation Commission Act; and	Cap. 173
(r) the Zambia Wildlife Act, 2015	Act No. 14 of 2015
“authorised person” means a person designated, in writing, by a planning authority to do anything required to be done under this Act;	
“building” includes any structure or erection or any part thereof, but does not include plant or machinery comprised in a building;	
“certificate of title” means a certificate of title to land issued by the Registrar in accordance with the provisions of this Act;	
“Chief” means the person recognised as such under the Chiefs Act;	Cap. 287
“court” means a subordinate court;	
“customary land” has the meaning assigned to it in the Lands Act;	Cap. 184
“dealing” means a transaction affecting land;	
“development” means the carrying out of any building, rebuilding, mining or other works or operations on or under land, including the subdivision of land or a change in the use of land;	
“development permit” means a planning permission granted for the development of land under section <i>fifty-five</i> ;	

“development plans” means the National Planning Framework, a regional development plan, provincial development plan, integrated development plan, local area plan and sectoral plan;

“Director” means the Director responsible for urban and regional planning provided for in section *eight*;

“dwelling” means a building or structure or part of a building or structure used or designed to be used for accommodation, and includes any yard or garden appurtenant to or enjoyed with the accommodation;

“Environmental Agency” means the Zambia Environmental Management Agency established under the Environmental Management Act, 2011;

“grant” means a grant of land for a specified term of years made to the local authority for purposes of this Act;

“improvement” includes a building, infrastructure or any other structure of whatever kind on land;

“Improvement Area” means an area of land declared as such in accordance with the provisions of this Act;

“informal settlement” means—

(a) groups of people living on land they have no legal claim to;

(b) houses of a temporary, semipermanent or permanent nature erected on land that have not formally been permitted by the planning authority and serviced for residential use under this Act or any other written law;

(c) clusters of housing and other structures built without the formal permission of the planning authorities under this Act, any other written law or the repealed Acts; or

(d) settlements that have only temporary permission from the planning authority to occupy the settled land;

“integrated development” includes integrated social, economic, environmental, spatial, infrastructural, institutional and organisational development and the provision of amenities and services aimed at alleviating poverty and improving the quality of life of members of a community;

“integrated development plan ” means a plan prepared by a planning authority in accordance with section *nineteen*;

“land ” includes a building, land covered by water and a right in or over land, except a mining right, mineral processing licence or gold panning certificate granted under the Mines and Minerals Development Act, 2015; Act No. of 2015

“local authority ” means a city, municipal or district council established under the Local Government Act; Cap. 281

“local area plan” means a plan to cover an area of a local authority as provided under section *twenty one*;

“local planning authority” means a local authority designated as a planning authority by the Minister, by statutory instrument;

“mining” has the meaning assigned to it in the Mines and Minerals Development Act, 2015; Act No. 11 of 2015

“National Planning Framework” means a plan for national development provided for under section *sixteen*;

“plan” includes reports, drawings, maps and models;

“planner” has the meaning assigned to it in the Urban and Regional Planners Act, 2011; Act No. 4 of 2011

“planning” means the initiation and management of change in the built, socioeconomic and natural environment in, and across, a spectrum of sectors and urban and rural areas;

“planning agreement” means an agreement entered into between a local authority and one or more chiefs to facilitate the implementation of an integrated development plan or local area plan in accordance with section *twentyfive*;

“planning appeals tribunal” means a planning appeals tribunal constituted by the Minister pursuant to section *sixty-two*;

“planning authority” means a regional planning authority, provincial planning authority or local planning authority;

“planning committee ” means a standing committee of a local authority responsible for planning provided for under section *fourteen*;

“planning decision ” means—

- (a) a refusal of planning permission by a planning authority;
- (b) a grant of planning permission by a planning authority; or

(c) a notice served under subsection (2) of section *sixty-five*;

“ planning inspector ” means a person designated as such under section *sixty-four*;

“ planning permission ” means permission granted to carry out development under section *forty-nine*;

“ provincial development plan ” means a plan prepared to cover large areas of a province that are greater than an area of a local authority, and includes land in more than one district;

“ Provincial Planner ” means the person appointed as such in the Ministry responsible for urban and regional planning;

“ provincial planning authority ” means an authority established under section *eleven*;

“ rate payer ” means a person who is liable to a local authority for the payment of rates on property in an area under a written law;

“ region ” means two or more provinces or parts of a province or different provinces within the boundary of the country as delimited pursuant to section *nine*;

“regional planning authority” means an authority established under section *nine*;

“ regional development plan ” means a plan for two or more districts, two or more provinces or parts of different provinces for coordinating and facilitating the synergy of transportation and the institutional, environmental, infrastructural and socioeconomic activities for the attainment of sustainable development;

“registrar” means the person appointed as such by a local authority, and includes an assistant registrar or any person appointed to act in that capacity;

“repealed Acts” means the Town and Country Planning Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975;

“resident” means a person who ordinarily resides in a district;

Cap. 283

Cap. 194

“road authority” has the meaning assigned to it in the Public Roads Act, 2002;	Act No. 12 of 2002
“sectoral plan” means a plan prepared for various sectors in an area, including ministries, appropriate regulatory agencies and authorities, as specified under section <i>twenty four</i> ;	
“Stateland” has the meaning assigned to it in the Lands Act;	Cap. 184
“Surveyor-General” means the Surveyor-General appointed under section <i>four</i> of the Land Survey Act;	Cap. 188
“transfer” in relation to land, means the passing of that land or an interest in the land by act of the parties rather than by operation of law;	
“transferee” means a person to whom an occupancy licence is issued in accordance with the provisions of this Act; and	
“utilities” includes roads, water and electricity supply, street lighting, sewerage and sanitation, drainage, public works and other similar public services and conveniences.	
<b>3.</b> (1) The following principles shall apply to the national, regional, provincial, district and local planning frameworks, systems and processes:	Principles and standards for urban and regional planning
(a) the territory of Zambia shall be developed or organised and protected by integrative planning and systems;	
(b) prescribed standards shall, as far as is possible, be on the basis of area specific or functional features at district, provincial and national levels;	
(c) planning procedures shall incorporate environmental standards and requirements specified in any law relating to the environment and natural resources;	
(d) where there are conflicts between or amongst the district, provincial and national plans, these shall be resolved by the Minister;	
(e) social and economic demands impacting on an area shall take into account the environmental and ecological factors of the area;	
(f) locational prerequisites for economic development shall be ensured;	
(g) the characteristics and diversity of particular areas shall be protected and enhanced;	

(h) the development, organisation and protection of districts shall match the conditions and requirements of the Republic as a whole and shall take into account the conditions and requirements of each Province; and

(i) any other principles as may be prescribed.

(2) Without prejudice to subsection (1), national, regional, provincial, district and local planning shall be governed by the following standards:

- (a) there shall be a well-balanced system of settlements and open spaces, where a large-scale and integrative system of open spaces shall be maintained and improved;
- (b) a functioning ecosystem shall be maintained in built-up and non-built up areas;
- (c) there shall be balanced economic, infrastructural, social, ecological and cultural conditions in each Province;
- (d) the State shall ensure easy access to, and in, the Provinces through passenger and goods transport;
- (e) decentralisation and historical and cultural relationships shall be recognised in the planning function;
- (f) the State shall establish well balanced economic structures in each Province, where sufficiently large areas shall be reserved for improving the locational conditions for economic development and infrastructure facilities which are closely concerned with industry and the provision of services, training facilities and commercial activities;
- (g) the reuse or redevelopment of derelict settlement areas shall be given priority over the use of open space;
- (h) infrastructure development shall be harmonised with the systems of settlements and open spaces;
- (i) local inhabitants shall be provided with basic technical infrastructure installations covering all utilities;
- (j) areas shall be established for residential, industrial, commercial, trade, markets and social services;
- (k) rural areas shall be developed as residential and economic areas of a district; and

<p>(l) natural surroundings and landscapes, including water bodies and forests, shall be protected, enhanced and, where appropriate, developed as part of the planning function to enhance the beauty and environmental sustainability of the areas.</p>	<p>Inconsistencies between Acts Cap. 1</p>
<p><b>4.</b> Subject to the Constitution, where there is an inconsistency between the provisions of this Act and the provisions of any other written law relating to planning that is not a specific subject-related law on a particular element of planning, the provisions of this Act shall prevail to the extent of the inconsistency.</p>	
<p><b>5.</b> (1) A planning authority shall, as far as is reasonably practicable, for purposes of securing an efficient planning framework and discharge of functions under this Act, liaise with appropriate regulatory authorities and take into account the requirements specified under the relevant laws.</p> <p>(2) A planning authority shall, for the efficient issue of planning permission and other authorisations under this Act, establish an integrated decision-making process or conform with a regulatory clearance system established under the Business Regulatory Act, 2014.</p>	<p>Integrated decision-making processes</p>

Act No.3 of 2014

**PART II**

**PLANNING MANAGEMENT AND ADMINISTRATION**

**6.** (1) The National Planning Framework of the Republic shall be administered and managed by the following:

(a) the Director;

(b) the planning authorities; and

(c) any other body designated as a planning authority by the Minister, by statutory instrument.

(2) Planning shall be hierarchical in nature, from the national level proceeding to the regional, provincial and district levels and in like manner planning authorities shall be so ranked.

(3) In the planning process, lower level planning authorities and plans shall comply with the provisions of the higher plans.

**7.** (1) The Minister shall be—

(a) responsible for the implementation of this Act; and

(b) the final approvals authority for all plans prepared by planning authorities.

Role of Minister in planning

(2) The Minister shall, for the purpose of this Act—

- (a) designate, by statutory instrument, regional, provincial and local planning authorities;
- (b) prescribe planning guidelines, strategies and standards;
- (c) prescribe procedures and other methodologies to guide planning authorities in the carrying out of their functions;
- (d) establish uniform processes and procedures to be used by planning authorities in the region;
- (e) prescribe, and where necessary, review and adjust general key performance indicators and targets for planning;
- (f) assist local authorities in pursuing performance indicators and targets for planning;
- (g) coordinate planning and the provision of public and community services and facilities;
- (h) investigate the social aspects of economic activity and population distribution in relation to the distribution of utility services and facilities;
- (i) monitor progress and performance in planning and initiate the taking of remedial action, where necessary;
- (j) approve regional development plans and strategies;
- (k) ensure that training and skills development are provided to planning committees; and
- (l) call in development plans and applications for planning permission where—
  - (i) the planning authority fails to meet the requirements for plan preparation under this Act;
  - (ii) the plan does not comply with the principles, requirements and standards specified under section *three* and planning guidelines provided under section *seventeen*; or
  - (iii) the planning permission is contrary to the provision of an approved development plan.

(3) The Minister may, for purposes of this Act, give directions to any planning authority regarding development plans and applications for planning permission and development permits, which are consistent with the provisions of this Act, and the planning authority shall give effect to those directions.

**8.** (1) There shall be a Director of Planning in the Ministry who shall be a public officer and principal adviser to the Minister on matters relating to urban and regional planning.

Director of Planning

(2) The functions of the Director are to—

- (a) conduct, promote and co-ordinate research in relation to any aspect of urban and regional planning;
- (b) publish reports, bulletins, statistics, monographs and other publications relating to urban and regional planning and its methodologies as specified in this Act;
- (c) provide information and education to the public regarding the planning undertaken by planning authorities;
- (d) report to and advise the Minister on the progress made by planning authorities in the performance of their functions under this Act, and the compliance of planning authorities with the principles, requirements, standards and guidelines specified under this Act;
- (e) monitor the implementation of standards, guidelines and procedures for regional planning; and
- (f) establish and maintain liaison and co operation with planning authorities.

(3) The Director shall submit a National Planning Framework to the Minister for approval in accordance with section *sixteen*.

**9.** (1) The Minister shall constitute regional planning authorities for a region, on an *ad hoc* basis, to spearhead planning for that region.

Regional planning authorities

(2) A regional planning authority shall consist of the following members who shall be appointed by the Minister—

- (a) five members qualified in planning, environmental management, law, land surveying, architecture or any other related or relevant field, nominated by the provincial planning authorities in the region;
- (b) a representative of each of the planning authorities in the region;
- (c) two representatives of the chiefs in the region, nominated by the Chiefs in the region;

(d) two representatives of business organisations operating in the region; and

(e) two representatives of the civil society organisations operating in the region.

(3) The Minister shall, when appointing members under subsection (2), ensure equitable gender representation.

(4) The Minister shall appoint the chairperson and the members shall elect the vice-chairperson of the regional planning authority from among the members of the regional planning authority.

(5) A member of the regional planning authority shall hold office for such period as may be prescribed.

(6) A person shall not be appointed a member of a regional planning authority if that person—

(a) is an undischarged bankrupt; or

(b) has within a period of five years preceding the proposed appointment—

(i) been convicted of an offence involving fraud or dishonesty;

(ii) been convicted of an offence under any law and sentenced to imprisonment for a period exceeding six months without the option of a fine; or

(iii) been found guilty of professional misconduct under any law.

(7) The Minister may, by statutory instrument, delimitate the area in a region for purposes of national development, prescribe the procedures, reporting structures and administration of regional planning authorities.

(8) The Minister shall cause to be published in the *Gazette* the names of the members of an *ad hoc* regional planning authority, constituted under subsection (1), and the markings of the boundaries constituting the region.

(9) The Director shall—

- (a) be the secretary to the regional planning authority; and
- (b) co-ordinate the nomination of members of the regional planning authority and recommend the members for appointment by the Minister.

**10.** (1) The functions of a regional planning authority are to—

- (a) coordinate the preparation of the regional development plan;
- (b) advise and assist planning authorities within the region on the preparation of development plans to ensure compliance with the regional plan and the National Planning Framework;
- (c) plan and co-ordinate the provision of infrastructure and facilities for the region;
- (d) conduct research required for regional planning;
- (e) recommend to the Minister such measures as may be necessary to comply with the principles and standards specified under section *three*; and
- (f) carry out such other functions as are incidental and necessary to regional planning.

(2) A regional planning authority shall furnish the Minister with such returns, reports, plans and other information relating to its functions as may be determined by the Minister.

(3) The expenses of a regional planning authority shall be met by the Ministry.

**11.** (1) There is established for each Province a provincial planning authority.

(2) A provincial planning authority shall consist of the following members appointed by the Minister:

- (a) five members qualified in planning, public health, law, land surveying, architecture or any other related fields, nominated by the local authorities in the Province;

Functions of regional planning authority

Provincial planning authorities

- (b) two representatives of the chiefdoms in the Province, nominated by the Chiefs in the Province;
- (c) two representatives of business organisations operating in the province; and
- (d) two representatives of civil society organisations operating in the Province.

(3) The Minister shall, when appointing members under subsection (2), ensure equitable gender representation.

(4) The Minister shall appoint the Chairperson and the members shall elect the Vice-Chairperson of the provincial planning authority from among the members of the provincial planning authority.

(5) A member of the provincial planning authority shall hold office for three years and is eligible for appointment for a further and final term of three years.

(6) A person shall not be appointed a member of a provincial planning authority if that person—

- (a) is an undischarged bankrupt; or
- (b) has within a period of five years preceding the proposed appointment—
  - (i) been convicted of an offence involving fraud or dishonesty;
  - (ii) been convicted of an offence under any written law and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
  - (iii) been found guilty of professional misconduct under any law.

(7) The Minister may, by statutory instrument, prescribe the procedures, reporting structures and administration of provincial planning authorities.

(8) The Provincial Planner shall—

- (a) be the Secretary to the provincial planning authority; and
- (b) coordinate the nomination of members of the provincial planning authority and recommend the members for appointment by the Minister.

**12.** (1) A provincial planning authority shall be responsible for all planning activities for the province and shall—

(a) monitor and advise on the planning, drafting, adoption and review of integrated development plans and local area plans;

(b) facilitate the coordination and alignment of—

(i) the integrated development plans of local planning authorities within the Province; and

(ii) the integrated development plans and local area plans of local planning authorities with the National Planning Framework and regional development plans;

(c) take appropriate steps to resolve disputes or differences relating to the planning, drafting, adoption or review of integrated development plans and local area plans between local planning authorities in the Province, as may be prescribed, and refer the disputes that are not settled to the Minister;

(d) assess integrated development plans and local area plans in terms of adherence to the principles, requirements, standards and planning guidelines provided for under this Act;

(e) oversee all planning activities in the Province;

(f) assist local authorities in planning, drafting, adopting, implementing and reviewing their integrated development plans and local area plans; and

(g) perform any other functions relating to planning in the Province as directed, in writing, by the Minister.

(2) A provincial planning authority shall, where a local planning authority fails to perform its functions under this Act, recommend to the Minister the suspension or revocation of the local authority as a planning authority.

(3) A provincial planning authority shall, where the appointment of a local authority as a planning authority is revoked or suspended pursuant to subsection (2), perform the functions of the local planning authority.

Functions of provincial planning authorities

Establishment  
of local  
authorities as  
local  
planning  
authorities

**13.** (1) A local authority shall, for the purposes of this Act, be designated as a planning authority for its area by the Minister, by statutory instrument.

(2) The functions of a local planning authority are to—

- (a) regulate, control and plan for the development and use of land and buildings within its area;
- (b) prepare and implement integrated development plans, local area plans and sectoral plans in accordance with this Act;
- (c) receive and process applications for planning permission for the development of land;
- (d) operate services and maintain infrastructure in its area;
- (e) promote and facilitate sustainable land use in accordance with this Act and any other written law; and
- (f) perform any other planning and development functions as are necessary for the implementation of this Act.

(3) A local planning authority shall furnish the Minister with such returns, plans, documents or any other information relating to its activities under this Act as the Minister may request or as may be prescribed.

(4) The Minister may, by statutory instrument, designate local authorities as local planning authorities, prescribe the procedures, reporting structures, secretariat services for, and administration of, local planning authorities.

Establishment  
of planning  
committees

**14.** (1) The standing committee of a local authority responsible for planning shall be the planning committee for purposes of this Act.

(2) The Provincial Planner shall be an *ex-officio* member of all the planning committees within the Province.

(3) A local authority shall, within ten days of the establishment or appointment of a planning committee, submit the names of the members of the planning committee to the Provincial Planner for submission for information to the Minister.

(4) Where a local authority does not establish a planning committee in accordance with this section or does not meet the requirements of this Act, the relevant provincial planning authority shall perform the functions of the planning committee under this Act.

(5) The planning department of a local authority shall provide the secretarial and administrative support to the planning committee.

**15.** (1) A planning committee shall—

- (a) recommend for adoption the integrated development plans, local area plans and any other plan prepared by the local planning authority in accordance with this Act;
- (b) recommend modifications or changes to the integrated development plan, local area plan and any other plan prepared by the local planning authority in accordance with this Act;
- (c) consider and make planning decisions on applications for development as prescribed; and
- (d) monitor the implementation and enforcement of the integrated development plans, local area plans and any other plan prepared by the local planning authority in accordance with this Act.

Functions of planning committees

(2) A planning committee shall, in performing its functions under this Act, have regard to the reports and recommendations of the planning department of the local authority.

(3) A planning committee shall report to the council of the local authority.

### PART III

#### PLANNING FRAMEWORK AND SYSTEM

**16.** (1) The National Planning Framework shall apply to the whole area of the Republic.

National Planning Framework

(2) The National Planning Framework shall—

- (a) state the strategic policies for determining the general direction and trends of spatial development and planning for the Republic such as the following:
  - (i) general policies relating to development and use of land in the Provinces;
  - (ii) measures for the improvement of the physical living environment;
  - (iii) measures for the improvement of communications and management of traffic;

Planning  
guidelines

- (iv) measures for the improvement of socio-economic well-being and the promotion of economic growth and facilitation of sustainable development;
- (b) include planning guidelines for regional development plans, integrated development plans, local area plans and sectoral plans; and
- (c) contain such other matters as may be prescribed or as the Minister may specify.

(3) The Director shall, when preparing the National Planning Framework, comply with national policies dealing with population, urbanisation, rural development and the long- and medium-term national financial and economic development plans for the Republic, and shall consult appropriate regulatory authorities or such other bodies as the Minister may direct.

(4) The National Planning Framework shall be reviewed every five years in line with the national financial and economic development plans for the Republic or as directed by the Minister.

(5) The Director shall, at least once in every year, or as directed by the Minister, report to the Minister on the implementation of the National Planning Framework.

(6) A planning authority shall ensure that the objectives of the National Planning Framework are achieved.

**17.** (1) The Minister may, by statutory instrument, make guidelines for planning and development which shall be complied with by all planning authorities.

(2) The Minister shall, where the subject matter of the guidelines to be issued under sub-section (1) falls under the portfolio of another Ministry, prepare and prescribe the guidelines in consultation with the other Minister.

(3) Without prejudice to the generality of section *three*, planning guidelines made under this section shall deal with, and provide guidance in relation to, the following:

- (a) the requirements in the National Planning Framework;
- (b) matters to be included in regional development plans, integrated development plans, local area plans and sectoral plans, as provided under this Act;

- (c) principal physical, economic, environmental and social characteristics, including the principal land uses of the Republic and how these may affect areas;
- (d) the issues to be taken into account when preparing development plans;
- (e) the projected size, composition and distribution of the population of the Republic to be taken into account when surveying an area for the preparation of development plans for the area;
- (f) the communication and transport system and traffic of the Province and how these may affect the Province and other provinces; and
- (g) any other matter affecting urban and regional planning and development, as the Minister may direct.

**18.** A regional development plan may deal with the following—

- (a) the use and development of land that is within a prescribed distance from international borders;
- (b) the use and development of land within National Parks, heritage sites and areas of cultural significance;
- (c) the use and development of land reserved for national defence and security;
- (d) the use and development of land of strategic importance for biodiversity or food security;
- (e) the use and development of land contaminated as a result of industrial or mining operations;
- (f) the use and development of land in support of transportation infrastructure such as railway stations, airports and harbours;
- (g) the use and development of land for multifacility economic zones or industrial parks;
- (h) the use of land with natural resources of national interest and importance; and
- (i) any other matter the Minister may prescribe by statutory instrument.

Regional development plans

**19.** (1) A planning authority shall prepare an integrated development plan for its area.

Integrated development plans

(2) A planning authority may restrict the coverage of an integrated development plan to prescribed parts of its area.

(3) An integrated development plan shall be the principal planning instrument to guide and inform all planning and development in the area of the local authority and all planning decisions of a planning authority.

(4) An integrated development plan shall—

- (a) link, integrate and coordinate sector plans and proposals for the development of the area of the local authority;
- (b) align the resources and capacity of the local authority for the implementation of those components of the plans requiring the use of local resources;
- (c) form the policy framework and basis on which annual budgets shall be approved;
- (d) be compatible with the National Planning Framework and the regional development plan;
- (e) indicate priority areas for—
  - (i) housing development, informal settlement upgrading and improvement;
  - (ii) social service provision;
  - (iii) infrastructure development, re-vitalisation, renewal and maintenance;
  - (iv) local economic development;
  - (v) environmental management;
  - (vi) protection of ecologically sensitive areas, heritage and cultural sites; and
  - (vii) poverty alleviation; and
- (f) identify the priority areas provided for in paragraph (e) to be incorporated into the local area plans.

(5) An integrated development plan shall be valid for a period of ten years from the date of its adoption and shall bind all persons and State institutions.

(6) An integrated development plan shall—

- (a) be prepared in accordance with the planning guidelines and the provisions of this Act;
- (b) be reviewed every five years from the date of its adoption and, if need be, amendments effected to the plan;

(c) ensure coordination with the relevant Ministries, stakeholders and appropriate regulatory authorities; and

(d) be aligned with and complement the development plans and strategies of neighbouring local authorities and State institutions.

**20.** (1) An integrated development plan shall include a planning survey and issues report, a development framework report, an implementation programme, a report on public consultation and appropriate diagrams and plans.

(2) A planning committee shall, in formulating an integrated development plan, ensure that—

- (a) the policy and proposals reflected in the integrated development plan are justified by the results of the planning survey; and
- (b) the proposals reflect current policies with respect to financial and economic planning of the Republic and such other matters as may be prescribed by the Minister.

(3) A survey of areas planned for development shall be carried out in the prescribed manner and shall include—

- (a) the principal spatial and economic characteristics of the area under the planning authority, including the characteristics of any neighbouring areas that affect the planning authority's area;
- (b) the size, composition and distribution of the population of the area;
- (c) the communication and transport system and traffic patterns of the area and neighbouring areas;
- (d) an assessment of the existing infrastructure and level of development in the area, which shall include an identification of communities which do not have access to basic services and those proposed or designated for redevelopment, improvement, upgrading, revitalisation or renewal;
- (e) a baseline strategic environmental assessment of the area to be covered by the plan;
- (f) any substantial changes anticipated during the period of the plan as a result of projected demographic changes and other factors;

Contents of integrated development plans

(g) a description of the applied planning process and the public consultative process;

(h) the key issues and priorities from the survey which the plan is intended to address; and

(i) such other matters as may be prescribed by the Minister.

(4) A survey report shall include a development framework which shall set out—

(a) the local authority's vision for the long term development of its area, with emphasis on environmental concerns and the local authority's development and internal transformation needs;

(b) the local authority's development objectives, priorities and development strategies, which shall be aligned with the National Planning Framework and sectoral local planning requirements;

(c) an assessment of alternative spatial development scenarios that might be able to address the identified issues and deliver the local authority's objectives; and

(d) an integrated development framework, which shall state the policy and proposals of the local authority in respect of the manner in which land in the area shall be used and the stages by which the development may be carried out, including—

(i) initiatives to improve, maintain or protect the environmental, social and economic aspects of development;

(ii) the delineation of specific protection zones, areas of environmental sensitivity or cultural and historical importance or areas of importance for disaster management purposes;

(iii) the identification of national and regional interests, policies and guidelines;

(iv) the relationship of the proposals to the development and use of land in neighbouring areas which may affect those areas;

- (v) the delineation of informal settlements with a description of improvement inputs or other management responses required and the appropriate building and land use controls to be applied in those areas; and
- (vi) the areas under the jurisdiction of traditional authorities and proposed policies and proposals for those areas.

(5) An implementation programme shall include —

- (a) a capital investment programme indicating the major projects and investments required to implement the development framework with the agency responsible for delivery;
- (b) a local authority's financial plan providing a budget projection for the first five years after the adoption of the plan and indicating the manner in, and extent to, which the capital and operational budgets of the local authority reflect the priorities and objectives of the integrated development plan, including the local authority's expectation of specific funding allocations from the Government;
- (c) a programme for the preparation of local area plans and other detailed planning activities to assist in the implementation of the integrated development plans; and
- (d) proposals for monitoring and review of the integrated development plan, including key performance indicators.

(6) Where land falling under customary tenure is to be included in an integrated development plan in line with a planning agreement drawn up in accordance with section *twenty-five*, the methods, mechanisms, processes and procedures for consultation and participation of residents and stakeholders occupying the customary land, including traditional authorities, as indicated in the planning programme, shall be complied with and the method of publication shall take into account the cultural values and norms of the area.

**21.** (1) A planning authority shall use a local area plan as a planning instrument to provide detailed proposals for the development of an area designated for development under an integrated development plan.

Local area  
plans

(2) A local area plan shall link, integrate and coordinate plans and proposals for the development of an area or areas of the local authority in accordance with the principles of integrated development planning and may provide the basis for property delineation, cadastral surveys and land tenure registration or recognition under any certification relating to title or occupancy.

(3) A local area plan may be developed for—

- (a) sections of a settlement, sub-areas, sub-districts or wards within a local authority's area;
- (b) the development of housing projects, business zones, industrial areas or other development projects;
- (c) the improvement, upgrading or rehabilitation of areas and settlements;
- (d) private developments;
- (e) the development of areas within land falling under customary tenure;
- (f) infrastructure and social service provision;
- (g) the protection and care of environmentally, culturally and historically significant places or buildings.

(4) A local area plan shall—

- (a) indicate the period for which it is valid;
- (b) comply with the contents of an integrated development plan and provide for poverty alleviation, local community democracy, public participation, accountable governance and other planning principles;
- (c) be directly linked to an implementation and financial plan;
- (d) take into account the processes and proposals of other local area plans in the area of the local authority and the neighbouring local authorities; and
- (e) provide for distinct landuse standards and controls to be applied in different categories of areas.

(5) The preparation and scope of a local area plan shall be determined by the local authority based on its needs, capacity and resources and shall comply with this Act.

(6) Where there is a conflict between a local area plan and an integrated development plan, the integrated development plan shall take precedence.

(7) A local area plan shall remain in force notwithstanding the review of the integrated development plan or the adoption of a new development plan affecting the area to which the local area plan relates.

(8) Where an area that is the subject of a local area plan is, or includes, land held under customary tenure, the consultation process shall take into account the cultural values and norms and needs of the area.

(9) A local planning authority may, with the approval of the provincial planning authority, amend or revoke a local area plan, as prescribed.

**22.** A local area plan shall comply with guidelines issued by the Minister on the preparation of local development plans and shall include—

Contents of  
local area  
plan

- (a) a report of the planning survey carried out with respect to the area to which the plan relates which shall indicate—
  - (i) the principal spatial and economic characteristics of the area being considered for the plan and the neighbouring areas;
  - (ii) the size, composition and distribution of the population of the area;
  - (iii) the communication, transport system and traffic of the area;
  - (iv) the infrastructure in the area;
  - (v) an assessment of existing levels of development of the area;
  - (vi) the identification of built-areas, buildings and other assets of cultural or historical value that need protection;
  - (vii) the effect of any changes which may affect the development of the area, and any changes anticipated during the period covered by the plan as indicated by projected demographic changes and other factors;
  - (viii) a description of the applied planning process;
  - (ix) a description of the public consultation process;
  - (x) the key issues and priorities from the survey and analysis for the plan to address; and

- (xi) such other matters as may be prescribed by a local authority;
- (b) a development framework, which shall set out—
  - (i) the manner in which the land in the area is proposed to be used;
  - (ii) the associated initiatives, policies and projects to improve, maintain or protect the environmental, social and economic aspects of development; and
  - (iii) the relationship of the proposals to the general proposals for the development and use of land in neighbouring areas which may affect those areas;
- (c) the implementation programme comprising—
  - (i) a financial plan for the implementation of the local area plan;
  - (ii) proposals for monitoring and review of the local area plan, including key performance indicators;
- (d) such diagrams, illustrations and other graphical material as the planning authority may consider appropriate to explain or illustrate the plan; and
- (e) a report describing the results of the public consultation process.

Adoption of local area plan

**23.** (1) A local planning authority shall adopt a local area plan and submit a report to the provincial planning authority within thirty days of the date of the adoption of the local area plan.

(2) The report, referred to in subsection (1), shall include—

- (a) the draft local area plan and the reasons for any alterations made to the draft plan;
- (b) details of all objections and the responses to the local area plan;
- (c) the report of any public hearing undertaken;
- (d) a statement—
  - (i) to the effect that the provisions relating to public notification, consultation and participation have been complied with; and

- (ii) specifying the legislation relating to other land uses that has been considered; and
- (e) comments on the adherence to the planning guidelines specified under this Act.

(3) A proposed local area plan shall be made available for public inspection during the hours of business of a local authority, for a period of thirty days, prior to adoption.

(4) The local authority may make available the local area plan for free or at a prescribed fee.

(5) A person may make a written submission or observation in relation to a local area plan within the period referred to in subsection (3).

(6) The provincial planning authority shall, within sixty days of the receipt of a local area plan, approve or object to the local area plan.

(7) The provincial planning authority shall, where it objects to a local area plan—

- (a) inform the local planning authority accordingly and give reasons for the objection; and
- (b) direct the local planning authority to amend the local area plan as the provincial planning authority may determine.

(8) A local planning authority shall, where the provincial planning authority directs the local planning authority to amend the local area plan, amend the local area plan within a period of forty-five days.

(9) The provisions of section *forty-four* apply to the calling in of a local area plan.

**24.**(1) A local planning authority may prepare sectoral plans to support the implementation of its integrated development plan, in consultation with relevant sectoral ministries, appropriate regulatory authorities or other agencies. Sectoral plans

(2) A sectoral plan may include policies and plans directing land use for purposes such as—

- (a) infrastructure and service provision;
- (b) health;
- (c) education;
- (d) housing;
- (e) economic development;
- (f) communication;

- (g) transport;
- (h) waste management;
- (i) water and sanitation;
- (j) agricultural development;
- (k) wildlife management;
- (l) forest management; and
- (m) any other purposes as may be required under this Act or any other law.

(3) A sectoral plan shall conform with an integrated development plan and its planning programme and shall adhere to the development and planning principles, programmes and proposals adopted in the integrated development planning process.

(4) A local authority shall determine the preparation and scope of a sectoral plan based on its needs, capacity and resources and shall use the process set out for the preparation and adoption of a local area plan.

Planning agreements

**25.** (1) A local authority may, in order to develop a customary area and facilitate the implementation of an integrated development plan or local area plan in the customary area, enter into planning agreements with one or more Chiefs responsible for the customary area.

- (2) A planning agreement shall contain the following—
  - (a) the identification of customary land to which the application of special planning standards and approval requirements shall apply;
  - (b) the identification of types of applications for the land identified in paragraph (a) that shall require special planning procedures to be complied with by applicants for land;
  - (c) the identification of areas falling under customary land for which a local area plan shall be made and of any special procedures that might be applied to that planning process;
  - (d) the identification of customary land which a local authority considers should be—
    - (i) designated an Improvement Area under this Act; or
    - (ii) used to facilitate the expansion of a settlement as designated in an integrated development plan;

- (e) the identification of built areas, buildings and other assets of cultural or historical value that need protection and management, and other areas as may be prescribed;
- (f) the allocation of financial and human resources from the local authority, where appropriate, to the relevant Chief in order to support the implementation of the planning agreement; and
- (g) protocols for engagement and communication among the local authority, local community and the Chief on planning and development matters.

(3) Where a Chief or local authority refuses to enter into a planning agreement, the Minister shall, after consultation with the President, sign the planning agreement if it is in the public interest to do so for purposes of this Act, and the planning agreement shall bind the Chief and local authority concerned.

**26.** The regional development plans, integrated development plans, local area plans and sectoral plans shall be consistent with the principles and objectives of the applicable planning guidelines.

Consistency of plans

**27.** Where a local authority has, by resolution, approved a plan within a period of five years preceding the commencement of this Act and that plan substantially complies with the requirements of an integrated development plan in accordance with this Act, that plan shall be recognised as an integrated development plan for a period of five years after the commencement of this Act and shall have the legal effect as if developed and approved under this Act.

Recognition of existing plans

## PART IV

### IMPROVEMENT AREAS

**28.** (1) A planning authority may, declare an area of land within its area of jurisdiction an Improvement Area, and may declare that the whole or part of the land comprised in the Improvement Area shall cease to be part of an Improvement Area.

Declaration of Improvement Areas

(2) Land shall be declared an Improvement Area if—

- (a) in the case of customary land, it is subject to a planning agreement pursuant to section *twenty-five*; and
- (b) a survey diagram showing the perimeter of the proposed Improvement Area is duly approved by the Surveyor-General and is deposited by the local authority with the Surveyor-General and the Registrar of Lands and Deeds.

(3) A local area plan shall be prepared for an Improvement Area in accordance with the provisions of this Act.

(4) Where a local area plan is adopted for an Improvement Area, Parts VI, VII, VIII and IX shall apply in respect of any development to be undertaken from the date of the adoption of the local area plan.

Subdivision  
and control  
of  
Improvement  
Areas

**29.** Subject to the provisions of this Act, a local authority may—

- (a) subdivide, consolidate or alter the boundaries of land in an Improvement Area for purposes of a local area plan;
- (b) erect any building or effect any improvement on any piece or parcel of land; and
- (c) carry out the construction and maintenance of roads, pathways, waterworks, drainage, sewerage and other works for public amenity as it may consider necessary or desirable.

Occupancy  
licence and  
certificate of  
title

**30.** (1) A person shall not, without an occupancy licence issued under this section and except in accordance with the conditions of the occupancy licence, build, use, let, sell, create a lien or security or in any way deal with any dwelling or building erected on any piece or parcel of land.

(2) A local authority may issue to any person an occupancy licence in respect of any piece or parcel of land in such form, subject to such conditions and on payment of such fees as may be prescribed.

(3) Subject to the provisions of this Act, an occupancy licence shall be valid for a period of thirty years.

(4) An occupancy licence and any other document relating to any dealing with land shall be registered in such manner as may be prescribed.

(5) The holder of an occupancy licence shall have such rights and obligations in respect of the piece or parcel of land to which the licence relates and in respect of any dwelling or other building erected thereon as may be prescribed.

(6) A local authority may, after giving three months' notice in writing to the licensee, revoke an occupancy licence on any of the following grounds:

- (a) the licensee has committed a breach of, or failed to comply with, any of the conditions of the licence; or
- (b) the licensee has failed to pay the fee prescribed for the licence.

(7) Any fees payable under this Part may be recovered by a local authority as a civil debt.

(8) A holder of an occupancy licence may apply to the registrar for the issuance of the certificate of title in respect of the piece or parcel of land to which the occupancy licence relates.

**31.** (1) A building erected and an improvement effected on any land to which this Act applies shall be in accordance with specifications approved by the local authority in whose jurisdiction the land is situated.

Construction  
of  
buildings in  
Improvement  
Areas

(2) The Minister may, by statutory instrument, prescribe the specifications for any building or improvement referred to in subsection (1).

**32.** Every signature to any document required or permitted to be registered under this Act shall be attested by a registrar.

Attestation  
of  
signatures

**33.** A registrar shall not register any document purporting to transfer, deal in or affect any land unless the local authority in whose jurisdiction the land is situated is a party to the transaction recorded in the document or has signified its consent to the transaction.

Consent for  
dealing with  
land

**34.** Where an occupancy licence is lost or destroyed, the transferee of the land to which the occupancy licence relates may make a declaration, stating to the best of the licensee's knowledge and belief the facts of the case and the particulars of all transactions affecting the land or the title thereto, and the registrar, if satisfied as to the truth of such declaration, may issue to the transferee a provisional occupancy licence in respect of that land, except that the registrar shall, before issuing the provisional occupancy licence, give thirty days' notice in the *Gazette* of the intention to do so.

Loss of  
occupancy  
licence

## PART V

### THE PLANNING PROCESS

**35.** (1) A local authority shall, within a period of six months from the election of its council if—

Initiation of  
planning

- (a) there is an existing integrated development plan adopted by a previous council, adopt that integrated development plan or review the integrated development plan; and
- (b) there is no existing integrated development plan or the council considers that it is necessary to review the existing plan, initiate the planning process.

(2) Where a local authority does not have a planning department or fails to meet the development or planning capacity requirements prescribed under this Act, it shall submit the resolution directing the commencement of a planning process to the provincial planning authority which shall be responsible for the planning process, in consultation with the local authority.

(3) A copy of the resolution referred to in subsection (1) shall be deposited with the Minister, for information purposes, whether or not the resolution directing the commencement of a planning process is submitted to a planning committee or a provincial planning authority.

(4) A resolution of a local authority shall be published for public information, at least once a week, in a daily newspaper of general circulation in the area of the local authority for two consecutive weeks, except that where newspapers are not widely circulated, the local authority shall take additional steps to ensure that the resolution is communicated to the residents of its area.

Preparation  
of  
planning  
programme

**36.** (1) A planning department shall prepare a planning programme and submit the planning programme to the planning committee for approval.

(2) A planning programme shall—

(a) identify the goals, objectives, development needs, priorities, issues and concerns to be covered in the planning process as well as the cost of the planning process;

(b) provide for the process of the preparation of the development plan;

(c) propose the methods for the identification of the stakeholders to be consulted in the planning process, including the State institutions, local authorities, vulnerable groups and traditional leaders with whom joint planning is likely to be undertaken; and

(d) propose the means of public consultation and participation.

(3) The following shall be taken into account in making proposals for public consultation and participation:

(a) language preferences and usage in the area;

(b) the needs of illiterate and vulnerable persons;

(c) the needs of the Chiefs in the area; and

(d) the needs of stakeholders with an interest in customary land.

(4) A planning committee shall submit the proposed planning programme to the local authority for adoption, except where the planning programme is developed by the provincial planning authority.

(5) A local authority shall, within fourteen days of the receipt of a planning programme under subsection (4), adopt the planning programme or refer it to the planning committee for amendment.

**37.** (1) A planning authority shall—

(a) publish the proposed planning programme for public scrutiny in a daily newspaper circulating in the area at least once a week for two consecutive weeks; and

(b) display notices, in the prescribed form, relating to the proposed planning programme at the offices of the local authority, on its website and other public places in its area for a period of thirty days.

Public  
consultation  
of  
proposed  
planning  
programme

(2) A person may make submissions on the proposed planning programme, in writing, to the planning committee within thirty days following the first publication of the notice.

(3) A planning committee shall take into account the submissions of the public made pursuant to subsection (2).

**38.** (1) A local planning authority shall submit a copy of the adopted programme to the provincial planning authority within thirty days of the date of approval of the planning programme.

(2) A provincial planning authority shall, upon receipt of the proposed programme, consider and determine the adequacy of the programme for public participation, compliance with the planning guidelines, the availability of the funds required to implement the programme and the need for cooperation with other local authorities.

Consideration  
of  
planning  
programme  
by provincial  
planning  
authority

(3) A provincial planning authority shall, where it determines that the planning programme submitted under subsection (1) is inadequate in relation to the matters referred to in subsection (2), within thirty days of receiving the proposed planning programme, direct the local planning authority to adjust the planning programme.

(4) A local planning authority shall, within fourteen days of the receipt of a direction to adjust the planning programme under subsection (3)—

(a) adjust its programme in accordance with the direction; or

(b) object to the direction and give the provincial planning authority the reasons for the objection.

(5) A provincial planning authority may, on receipt of the objection under paragraph (b) of subsection (4), refer the local planning authority's objection to the Director, and the local planning authority shall adopt the planning programme as recommended by the Director.

(6) A local planning authority shall inform the community, residents, rate payers, stakeholders and the general public about the adopted planning programme in the prescribed manner.

Preparation of integrated development plan

**39.** (1) A local planning authority or the provincial planning authority, as the case may be, shall manage the drafting of an integrated development plan in accordance with the adopted planning programme provided for under section *thirty-six*.

(2) An integrated development plan shall take account of the integrated development plans and planning strategies of neighbouring local authorities.

(3) The preparation of an integrated development plan shall ensure coordination with appropriate regulatory authorities responsible for sectoral plans.

(4) A local planning authority shall plan for integrated development of its area in consultation with the Chiefs and the local communities in that area in respect of customary land and in line with planning agreements, where applicable.

(5) A local planning authority shall, during the preparation period, receive objections, comments and contributions from the public, communities and other stakeholders in accordance with a planning programme.

Public consultation and participation

**40.** (1) A planning authority shall, within fourteen days of the preparation or proposed amendments of a regional development plan, an integrated development plan, local area plan or sectoral plan, display a notice in public places in its area, at its offices and on its website, in the prescribed manner and form, informing the public of the availability of the draft regional development plan, integrated development plan, local area plan or sectoral plan.

(2) A planning authority shall make the draft regional development plan, integrated development plan, local area plan or sectoral plan available for public scrutiny and comments at its office and at other public offices in its area, for a period of sixty days.

(3) A planning authority shall establish mechanisms to collect and respond to public comments, concerns and questions relating to the draft regional development plan, integrated development plan, local area plan or sectoral plan, including public debates and hearings.

(4) A public hearing for a draft regional development plan, integrated development plan, local area plan or sectoral plan shall be conducted in the prescribed manner.

**41.** (1) A person may make objections or submissions to a draft integrated development plan or local area plan or proposed amendment to the adopted integrated development plan or local area plan in such manner as may be prescribed and the planning authority shall deal with the objections and submissions as may be prescribed.

(2) The local planning authority may make alterations to the draft integrated development plan or local area plan referred to under subsection (1) after taking into account any objections made to the planning authorities under that subsection.

(3) Where, following the consideration of written submissions made under subsection (1), the local planning authority considers that the draft integrated development plan or local area plan should be amended, the local planning authority shall, within thirty days after the expiration of the last day of public inspection period under subsection (4), publish notice of the proposed amendment in at least one daily newspaper circulating in its area, at its offices, on its website and other public places in its area.

(4) A notice under subsection (3) shall state that—

(a) a copy of the proposed amendment of the integrated development plan or local area plan may be inspected at such place and times during a specified period of thirty days and the copy shall be available for inspection accordingly; and

(b) written submissions or observations with respect to the proposed amendment only of the integrated development plan and local area plan made to the local planning authority within the specified period shall be taken into consideration before the making of any amendment.

Objections  
and  
submissions

Adoption of integrated development plan

(5) The members of a planning committee shall consider the amendment and the submissions made under subsection (3).

**42.** (1) A local authority shall adopt an integrated development plan and, within thirty days of adoption, submit the integrated development plan and the report to the Minister for consideration.

(2) The report, referred to in subsection (1), shall include—

- (a) details of all the objections and the responses to the integrated development plan;
- (b) a report of any public hearing;
- (c) the draft integrated development plan and the reasons for any alterations made to the plan;
- (d) a statement—
  - (i) to the effect that the provisions relating to public consultation and participation have been complied with; and
  - (ii) specifying the legislation relating to other land uses that has been considered; and
- (e) any comments on the adherence to planning guidelines and the relevance to the National Planning Framework, where applicable.

(3) The Minister shall, within sixty days of the receipt of an integrated development plan, approve or object to the integrated development plan.

(4) The Minister shall, where the Minister objects to an integrated development plan—

- (a) inform the local planning authority accordingly and give reasons for the objection; and
- (b) direct the local planning authority to amend the integrated development plan as the Minister may determine.

(5) A local planning authority shall, where the Minister directs it to amend the integrated development plan, amend it within a period of forty-five days.

Implementation of integrated development plan

**43.** (1) A local authority shall implement an integrated development plan approved by the Minister and ensure that the development of the area is consistent with the plan.

(2) A planning authority shall avail the approved integrated development plan for public inspection and copies of it may be obtained by any member of the public for free or at a prescribed fee.

(3) An integrated development plan shall serve as a basis on which the local authority's capital and operational budgets shall be drawn up and approved.

**44.** (1) The Minister may call in an integrated development plan if—

- (a) the plan conflicts with the planning guidelines or other national policies;
- (b) the formulation process contravenes the procedural requirements prescribed under this Act; or
- (c) does not take into account public views and concerns in respect of an area.

Calling in of integrated development plan

(2) The Minister shall, where the Minister calls in a plan, direct the Director to ensure the completion of the integrated development plan and refer the plan to the planning authority for adoption.

(3) The Minister shall, where the Minister calls in an integrated development plan due to concerns with specified aspects of the plan, provide guidance on the specified aspects of the plan, and the relevant planning authority shall be responsible for the rest of the planning process.

(4) The Minister shall, where the Minister assumes the responsibility of making an integrated development plan or particular aspects of the plan, comply with procedural requirements of this Act.

**45.** (1) A planning authority shall review its integrated development plan every five years in accordance with an assessment of its performance indicators set out in the integrated development plan.

Review of integrated development plan

(2) A planning authority may amend or update an integrated development plan following the five yearly review, or more frequently, but not more than annually, where it considers it necessary to amend or update the plan for purposes of—

- (a) meeting pressing public infrastructural demands;
- (b) correcting an anomaly in the plan or any other aspects relating to inadequacies that require changes in the plan;

(c) protecting areas of ecological significance or cultural heritage as provided under the National Heritage Conservation Commission Act; or

(d) responding to a humanitarian crisis, mitigating the effect of a natural disaster or providing for the upgrading of informal settlements.

(3) A local planning authority shall inform the provincial planning authority of the purpose, extent and general effect of the proposed amendment under subsections (1) and (2), and the provincial planning authority shall, within twenty-one days of being informed by the local planning authority, respond to the local planning authority.

(4) A local planning authority shall, if the provincial planning authority fails to respond within the period, referred to under subsection (3), adopt the proposed amendment to the integrated development plan.

(5) The provincial planning authority may—

(a) object and make written proposals for the adjustment of the proposed amendment to the integrated development plan; or

(b) inform the local authority whether further public consultation is required.

(6) A local planning authority shall, where the provincial planning authority makes proposals for amendments to the integrated development plan, consider the proposals of the provincial planning authority and shall, within ninety days of receipt of the proposals—

(a) if it agrees with the proposals, adjust the proposed amendment in accordance with the proposals made by the provincial planning authority; or

(b) if it disagrees with the proposals of the provincial planning authority, object to the proposal and furnish the provincial planning authority with reasons, in writing, why it disagrees.

(7) A provincial planning authority shall, on receipt of an objection under paragraph (b) of subsection (6), refer the local planning authority's objection to the Minister for direction.

(8) A local planning authority shall adopt the integrated development plan as directed by the Minister pursuant to subsection (7).

**46.** (1) A local authority may enter into partnerships for the benefit of the general public for purposes of plan preparation, implementation, operation and maintenance related to areas covered by an integrated development plan or local area plan.

Partnerships  
with  
private  
developers

(2) A private developer may prepare and submit for approval to the planning committee, a local area plan for the proposed development of an area designated for development, which complies with the integrated development plan for the area in accordance with the requirements of this Act.

(3) A private developer shall comply with the procedural requirements for the preparation of a local area plan set out in this Act.

**47.** (1) Two or more neighbouring local authorities may, by written agreement, and after consultation with the provincial planning authority or authorities, prepare integrated development plans jointly or may establish a part, or parts, of their respective areas as a multijurisdictional council service area to facilitate the provision of public services in that part or those parts of the area.

Joint  
planning  
initiative

(2) Any joint planning initiatives and multi-jurisdictional council service area agreements shall be undertaken and concluded in the prescribed manner.

**48.** (1) Where the owner of any land which is reserved under an integrated development plan or a local area plan is deprived of its reasonable, lawful and beneficial use by a refusal of permission to develop such land solely on the ground that the proposed development would interfere with the use of the land for the purpose for which it is reserved, the owner of the land may request the local authority to cause the reserved land to be acquired in accordance with the Land Acquisition Act.

Acquisition  
of land

(2) Subject to this Act, an owner of land may serve notice on the Minister or the planning authority requesting that an order be made to cause the land, in whole or in part, to be acquired if by reason of any provision in an approved development plan—

- (a) a proportion of the land cannot be lawfully developed and the remainder is incapable of reasonable, lawful and beneficial use; or
- (b) the land has been severed in such a manner that one or more severed portions are so small or so badly shaped that they are incapable of reasonable and beneficial use.

Cap. 189

## PART VI

### PLANNING APPLICATIONS AND PERMISSION

#### Planning permission

**49.** (1) A person shall not carry out any development on land, change the use of land or subdivide any land without planning permission.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred penalty units.

(3) A planning authority may, where a person carries out any development on any land, changes the use of land or subdivides any land contrary to this Act, demolish the structure on the land without the payment of compensation.

(4) A planning authority may, where a person changes the use of land contrary to its designated use as provided in an integrated development plan or local area plan approved under this Act, charge such fees in respect of the changed use as it may determine and direct that the land be restored to its original use.

(5) Where planning permission is granted for a limited period, no further planning permission shall be required at the end of that period for the resumption of the purpose for which the land was lawfully used before the planning permission was granted.

(6) Where an application for planning permission is for a specific part of the site in respect of which the application is made, it shall apply only to that part.

(7) The Minister may, by statutory instrument, prescribe—  
(a) the type of developments or use of land for which no planning permission is required for purposes of this Act;  
(b) specific requirements for planning permission and development control in informal settlements where a local area plan exists; and  
(c) major developments to which this Act applies.

#### Powers of Minister on planning permission

**50.** (1) The Minister may direct a planning authority to refer an application made to that planning authority for planning permission, or applications of any class specified in the direction, to the Minister instead of being dealt with by the planning authority, and the planning authority shall comply with the directive.

(2) Where an application for planning permission is referred to the Minister under subsection (1), the Minister shall determine the application in accordance with the provisions of this Act.

(3) Where the Minister, after consultation with a planning authority, considers that the planning authority has granted planning permission to any person contrary to the provisions of an approved development plan, the Minister may, not later than two years from the date of the granting of the planning permission, direct the planning authority to cancel the planning permission, and the planning authority shall comply with the direction.

(4) Where any planning permission is cancelled under subsection (3), the person to whom the planning permission was granted shall be entitled to claim compensation from the planning authority in respect of any expenditure incurred by that person in carrying out the work terminated by the cancellation of the planning permission and in respect of any other loss or damage which is directly attributable to the cancellation of the planning permission, and the planning authority shall pay compensation to that person in respect of the expenditure, loss or damage.

**51.** (1) The power to grant planning permission under this Part includes the power to grant permission for the retention on land of any buildings or works constructed or carried out on the land before the date of the application for planning permission, or for the continuance of any use of land instituted before that date whether without the planning permission granted under this Part or in accordance with the planning permission granted for a limited period only.

(2) The planning permission referred to in subsection (1) may be granted in order to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the specified period.

(3) Where planning permission is granted under this Part for the erection of a building, the grant of planning permission shall specify the purposes for which the building may be used.

(4) Where planning permission to develop land is granted under this Part for a limited period only, nothing in this Part shall be construed as requiring planning permission to be obtained for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the planning permission was granted.

Effect of  
grant of  
planning  
permission

Development  
permit  
and  
application

(5) In determining for the purposes of subsection (4) the purposes for which land was normally used before the grant of planning permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part.

**52.** (1) Planning permission for development shall be granted by way of development permits, subject to such terms, conditions and limitations as may be specified, for such period as may be specified and for any part of the site.

(2) An application for a development permit shall be made to the planning authority in the prescribed manner and form upon payment of the prescribed fee.

(3) A planning authority shall, in considering an application for a development permit take into account—

(a) the social and welfare consequences which the development to be undertaken in terms of the development permits shall have for the residents of the district or local authority concerned;

(b) whether the development to be undertaken in terms of the development permit is likely to create a public nuisance or annoyance in the area;

(c) the suitability of the premises upon which the development is to be undertaken relating to the safety health and planning requirements in respect of accommodation and sanitary facilities; and

(d) in consultation with the Environmental Agency, whether the proposed development is likely to have adverse environmental effects.

Consideration  
of  
application  
for  
development  
permit

**53.** (1) A planning authority shall, in considering applications for development permits comply with the planning guidelines specified under this Act, the integrated development plan and the local area plan.

(2) A planning authority shall not consider an application for the grant of a development permit for major developments or change of land use unless the applicant has given at least fourteen days notice of the applicant's intention to make the application in accordance with subsection (3).

(3) The notice referred to in subsection (2) shall be made in the prescribed form and shall be published by a local authority concerned at its offices, in the public places in its area and on its website for a period of fourteen days from the date of publication of the notice.

(4) A planning authority may, when granting a development permit, impose conditions which—

- (a) require the applicant to effect alterations or improvements to the premises relating to the standard of accommodation, facilities or amenities, the sanitary or safety arrangements or any other aspect of public convenience or health or police supervision of the premises concerned; or
- (b) are necessary or desirable to protect public health and safety.

(5) A planning authority shall, where the grant of a development permit for the change of land use requires a change to the land use designation provided for in an integrated development plan or local area plan, review or amend the integrated development plan or local area plan in accordance with the provisions of this Act.

**54.** A person who intends to oppose an application for the grant of a development permit relating to change of land use or a major development shall give notice, in writing, of that intention to the planning authority concerned, specifying in general terms the grounds of the objection, and including an address at which service of notice and other documents may be made, not later than thirty days from the date of the publication of the notice, and unless the notice of intention is given, the planning authority shall not consider that objection.

Notice of intention to object

**55.** A planning authority shall, within ninety days of receipt of an application for a development permit for a major development or change of land use or within twenty-eight days of receipt of an application for a development permit for any other development—

- (a) grant the applicant a development permit, if the application meets the requirements of this Act and specify the conditions attached to the grant;
- (b) grant conditional approval to allow the applicant to make minor adjustment;
- (c) defer the application to allow the applicant to submit additional information or revised plans which the planning authority considers necessary to enable it to make a decision; or
- (d) reject the application for the development permit and inform the applicant of the reasons for the rejection

Grant or refusal of development permit

Variation of planning permission

**56.** (1) A person may apply to a planning authority concerned for variation of the terms and conditions of the planning permission.

(2) A planning authority may, where an application is made under subsection (1), vary the planning permission or reject the application.

Amendment or revocation of planning permission

**57.** (1) Subject to the other provisions of this section, a planning authority may amend or revoke planning permission if—

(a) the planning authority has reasonable grounds to believe that the development permit was obtained through fraud, misrepresentation, non-disclosure of a material fact or submission of incorrect information;

(b) the planning permission no longer conforms to the development plan; or

(c) the amendment or revocation of the planning permission is necessary in the interest of public safety, security, peace, welfare or good order.

(2) A planning authority shall, before amending or revoking a planning permission in accordance with subsection (1), give written notice to the holder of the development permit of its intention to amend or revoke the planning permission and shall—

(a) give the reasons for the intended amendment or revocation; and

(b) require the holder of the development permit to show cause, within a period of thirty days, why the planning permission should not be amended or revoked.

(3) A planning authority shall not amend or revoke planning permission under this section if the holder of the development permit takes remedial measures to the satisfaction of the planning authority within the period referred to in subsection (2).

(4) A planning authority shall, in making its final determination on the amendment or revocation of a planning permission, consider the submissions made by the holder of the development permit under subsection (2).

(5) A planning authority shall amend or revoke a planning permission if the holder of the development permit, after being notified under subsection (2), fails to show cause or does not take any remedial measures to the satisfaction of the planning authority, within the time specified in that subsection.

(6) Where a planning permission is revoked, the holder of the development permit shall cease to be entitled to the rights and benefits conferred under this Act, with effect from the date of the revocation and shall return the permit to the planning authority concerned.

(7) A planning authority shall, where it amends or revokes a planning permission under this section, publish the amendment or revocation in a daily newspaper of general circulation in Zambia.

**58.** Public objections to any planning application required under the provisions of this Act shall be made and dealt with in the prescribed manner.

Public  
objection and  
consultation  
on  
planning  
applications

**59.** A person aggrieved with the decision of a planning authority may appeal, in writing, to the appropriate Planning Appeals Tribunal within thirty days of the receipt of the decision of the planning authority.

Appeal  
against  
planning  
decision

**60.** A planning department shall report on all applications for planning permission granted, the variation of plans and deferred or rejected applications, once in every quarter of the year to the planning committee.

Report to  
planning  
committee

**61.** (1) A planning department shall maintain a register of planning applications made and planning permissions issued under this Act.

Register of  
planning  
applications  
and  
permissions

(2) The register shall be available for public inspection on such terms and conditions as the local authority may determine.

## PART VII

### PLANNING APPEALS TRIBUNALS

**62.** (1) The Minister shall, by statutory instrument, constitute a planning appeals tribunal for each Province of the Republic which shall determine disputes and hear and determine appeals from the decisions of planning authorities in the Province.

Planning  
appeals  
tribunals

(2) A planning appeals tribunal shall consist of the following members appointed by the Minister—

(a) a legal practitioner of seven years or more legal experience, recommended by the Law Association of Zambia, who shall be the Chairperson;

(b) a planner of five years or more planning experience, registered under the Urban and Regional Planners Act, 2011, who shall be the Vice-Chairperson; and

(c) three persons, one of whom shall be a registered land surveyor by the Surveyors Institute of Zambia.

(3) The Minister shall, in the appointment of the members of a planning appeals tribunal, ensure equitable gender representation.

(4) The Minister may, by statutory instrument, provide for—

(a) the tenure of office of members of the planning appeals tribunals;

(b) the payment of expenses of the planning appeals tribunals;

(c) the payment of allowances to the members, advisers, assessors and the secretariat to the planning appeals tribunals; and

(d) any other matter relating to the planning appeals tribunals and the performance of functions for purposes of this Act.

(5) The Secretary to a planning appeals tribunal shall be a public officer seconded from the Ministry responsible for urban and regional planning.

(6) A planning appeals tribunal shall have jurisdiction over the Province for which it is established.

(7) A planning appeals tribunal shall convene at least four sessions per year.

(8) The Chief Justice may, by statutory instrument, make rules relating to—

(a) the manner and form for lodging of appeals to planning appeals tribunals;

(b) the mode of summoning persons before a planning appeals tribunal;

(c) the form and manner of service of summons requiring the attendance of witnesses and the production of any book, record, document or other information;

(d) the procedure to be followed and the rules of evidence to be observed in proceedings;

(e) the records of a planning appeals tribunal;

- (f) the notification of decisions of a planning appeals tribunal;
- (g) the functions of advisers and assessors to a planning appeals tribunal; and
- (h) such other matters necessary for the performance of the functions of a planning appeals tribunal.

**63.** An action shall not be brought against any member of, or assessor or advisor to, a planning appeals tribunal in respect of any act done or order made in good faith in the execution of the powers and duties conferred upon the member, advisor or assessor by or under this Act.

Immunity of members of planning appeals tribunals

## PART VIII

### PLANNING CONTROLS AND COMPENSATION

**64.** (1) A local planning authority shall designate planning inspectors and provide the necessary administrative support and funding to the planning inspectors to enable the planning inspectors perform their functions under this Act.

Planning inspectors

(2) A local planning authority may, in addition to the planning inspectors appointed under subsection (1), appoint suitably qualified and experienced persons to serve as part-time planning inspectors.

**65.** (1) Where a local planning authority determines that development has been carried out without a grant of permission under this Act or that the conditions to which a grant of planning permission for a development permit was made have not been complied with, the local planning authority shall instruct a planning inspector to carry out an inspection of the relevant land or buildings.

Enforcement notices and directions by planning inspector

(2) If it appears to a planning inspector that any use of land should be discontinued, that any condition should be imposed on the continuation of the use of land or that any building or works should be altered or removed, the planning inspector may issue an enforcement notice, in the prescribed manner and form, to the owner or occupier of the land—

- (a) for the discontinuation of the use of the land or the carrying out of the works on the land;
- (b) imposing such conditions as may be specified in the enforcement notice on the continuation of the land use or for securing compliance with the condition;

(c) requiring such steps as may be specified to be taken for the alteration, removal or demolition of all or part of the building or works; or

(d) requiring the restoration of the land to its condition before the development took place.

(3) An enforcement notice shall take effect from the date of service of the enforcement notice on the owner or occupier of the land to which it relates.

(4) An owner or occupier of land on whom an enforcement notice is served who is aggrieved by the enforcement notice may, within a period of twenty-eight days from the date of service of the enforcement notice, appeal to the relevant planning appeals tribunal.

(5) Where, within the period specified in subsection (4), an appeal is made to a planning appeals tribunal by a person on whom the enforcement notice was served, the operation of the enforcement notice shall be suspended pending the final determination or withdrawal of the appeal.

(6) A planning appeals tribunal shall determine an appeal within sixty days from the date of receipt of the appeal.

(7) Where a planning appeals tribunal fails to make a decision within the period specified under subsection (6), an appeal shall be made to the Minister for determination.

Register of enforcement notices

**66.** A planning authority shall maintain a register for enforcement notices in the prescribed manner, which shall be available for public inspection at the office of the local authority during ordinary office hours.

Enforcement and penalties

**67.** (1) A local planning authority may, if an enforcement notice is not complied with and there is no appeal lodged with a planning appeals tribunal—

(a) enter on the land and give effect to the enforcement notice; and

(b) recover, as a civil debt in any court of competent jurisdiction from the owner or occupier of the land, any expenses reasonably incurred by the local planning authority in effecting the enforcement notice.

(2) A person who fails to comply with an enforcement notice commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units and, in the case of a continuing offence, to a further fine not exceeding three hundred penalty units for each day of default of the notice.

(3) An enforcement notice shall be discharged upon compliance with the terms, conditions and requirements specified in the enforcement notice.

**68.** (1) A person who suffers damage or loss as a consequence of an enforcement notice issued pursuant to revoked, amended or varied planning decision shall be entitled to compensation.

Compensation

(2) When an integrated development plan or a local area plan takes away an existing right to use the land as confirmed in a legal instrument, the owner shall be entitled to compensation.

**69.** (1) Compensation shall not be payable—

Non-compensation for planning decisions

(a) in respect of any work carried out before the grant of planning permission or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of planning permission;

(b) in respect of the refusal of planning permission to develop land if the reason or one of the reasons stated for the refusal is that—

(i) the land is physically unsuitable for the proposed development;

(ii) the development would have adverse effects on the environment, public health or human life; or

(iii) the development will not comply with the integrated development plan or local area plan;

(c) in respect of the refusal of planning permission to develop land, if the reason or one of the reasons for the refusal is that the kind of development proposed would be premature due to the following matters—

(i) the order of priority indicated in the integrated development plan or local area plan for the area in which the land is situated; and

(ii) an existing deficiency in the provision of roads, water supplies, sewerage or other public services, and the period within which any deficiency may reasonably be expected to be made good;

(d) in respect of the imposition on the granting of planning permission to develop land of any condition relating to—

- (i) the number or disposition of buildings on any land;
- (ii) the dimensions, cost, design, structure or external appearance of any building or materials to be used in its construction;
- (iii) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for parking, loading or fuelling of vehicles on the land;
- (iv) the use of any buildings or land;
- (v) the location or design of any means of access to a highway or the materials to be used in the construction of the highway; and
- (vi) the provision of any roads, surface water drainage, water supply or sewerage treatment or discharge, including sewage disposal plants;

(e) in respect of any planning decision on an application for consent for the display of advertisements;

(f) the subdivision of land;

(g) in respect of the refusal to subdivide agricultural land for agricultural purposes where the refusal is on the ground that the subdivision would be uneconomic or would render the holding uneconomic for agricultural purposes;

(h) in respect of the granting of planning permission subject to conditions to subdivide agricultural land for agricultural purposes; or

(i) if the applicant submitted incorrect or fraudulent information in an application for planning permission.

(2) For the purposes of this section, a planning decision where planning permission to develop land is granted subject to a condition prohibiting the development of a specified portion of that land shall be treated as a decision refusing the planning permission in respect of that portion of the land only.

**70.** (1) Compensation shall be payable if the claim for compensation is made, in writing, in accordance with this section.

Exclusion and limitation of compensation

(2) A claim for compensation shall have effect if it is made within a period of sixty days from the date of the service of the notice of the planning decision to which it relates.

(3) The Minister or planning authority may require a claimant to provide the Minister or planning authority with—

- (a) evidence in support of the claim;
- (b) information regarding the interest of the claimant in the land to which the claim relates; and
- (c) interests of other persons in the land that are known to the claimant.

(4) Compensation payable under this section shall, in default of determination by agreement, be determined by a planning appeals tribunal in accordance with such procedures as shall be prescribed.

(5) The Minister may, by statutory instrument—

- (a) prescribe the form in which claims for compensation shall be made; and
- (b) extend the period for making claims under this Part.

## PART IX

### GENERAL PROVISIONS

**71.** (1) A person commits an offence under this Act if that person—

Offences and penalties

(a) without lawful authority, uses or occupies any piece or parcel of land or building in an area to which this Act applies;

(b) erects any building or structure in any area to which this Act applies without the prior approval of the planning authority within whose jurisdiction the land is situated; or

(c) does or omits to do any act in contravention of any of the provisions of this Act.

(2) A person convicted of an offence under this Act is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Service of  
notices and  
orders

**72.** Any notice or order made under this Act shall be in writing and shall be served on, or given to, the person to whom it is addressed or shall be sufficiently served if it is left at the last known postal, residential or business address of the person to be served or if it is sent by registered post addressed to the person by name at the last known postal, residential or business address of the person, and in the last case, the notice or order shall be deemed to have been received by the person in the ordinary course of registered post whether it is actually received by that person or not.

Right of entry

**73.** (1) Subject to the restrictions imposed under subsection (2), a planning inspector or other person authorised, in writing, by the Minister or by any planning authority may enter upon any land or premises, at any reasonable time, with such persons, vehicles, materials and instruments and do all such acts as are necessary for, or incidental to, the exercise of the powers conferred, or the performance of the duties imposed by this Act.

(2) The exercise of the rights conferred under subsection (1) shall be subject to an owner or occupier of the land or premises who is affected by the exercise of the powers being entitled to compensation for any damage caused by the persons entering upon the land or premises pursuant to subsection (1), except that nothing done by any duly authorised person in the proper execution of that person's duties in respect of this section shall make that person liable to any personal action, liability, claim or demand.

(3) A person who hinders or obstructs any person in the exercise of any of the powers conferred by subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Regulations

**74.** (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

(2) Without limiting the generality of subsection (1), regulations made under that subsection may—

(a) prescribe fees or charges payable in respect of any matter,

provided for, or authorised by, this Act;

(b) prescribe offences and fines not exceeding five hundred

thousand penalty units or imprisonment for a period not exceeding five years;

- (c) prescribe the forms for application for development permits and approvals, registers, notices, orders and other documents required for the purposes of this Act;
- (d) prescribe information to be given and documents delivered or made for the purposes of this Act;
- (e) provide for the procedure for the service of notices, orders and documents under this Act and the times at which they shall be taken to have been served;
- (f) prescribe the procedure for objections, submissions, reviews and public enquiries and the making, consideration, hearing and determination of objections, submissions and reviews;
- (g) prescribe the standards to be met by a local planning authority for purposes of this Act;
- (h) prescribe the operating procedures for local, provincial and regional planning authorities;
- (i) provide for upgrading of informal settlements; and
- (j) prescribe the procedures and mechanisms for determining compensation claims.

**75.** The Town and Country Planning Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975, are repealed.

Repeal of  
Cap. 283 and  
Cap. 194

**76.** (1) Any acts, orders and conditions lawfully done, given or imposed under the provisions of the Town and Country Planning Act, the Housing (Statutory and Improvement Areas) Act or under the provisions of any planning scheme, zoning scheme or zoning plan prepared under those Acts before the commencement of this Act shall remain in force and be deemed to have been lawfully done, given or imposed under this Act, but shall not, in respect of anything done prior to the commencement of this Act, give rise to claims for compensation under this Act.

Savings and  
transitional  
provisions  
Cap. 283  
Cap. 194

(2) An occupancy licence or certificate of title issued under the Housing (Statutory and Improvement Areas) Act shall be valid as if issued under this Act.

Cap. 194

(3) A plan approved in terms of an Improvement Area under the Housing (Statutory and Improvement Areas) Act shall be deemed to be a local area plan approved in terms of this Act and shall, for purposes of this Act, have all the legal consequences of a local area plan.

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